



County of Los Angeles CHIEF EXECUTIVE OFFICE

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SACHI A. HAMAI
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August 6, 2015

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To: Mayor Michael D. Antonovich
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From: Sachi A. Hamai
Interim Chief Executive Officer

SACRAMENTO UPDATE

Executive Summary

This memorandum contains pursuits of County positions on the following measures:

- **Pursuit of County Position to Oppose AB 193 (Maienschein).** This measure would authorize the Probate Court, if a conservatorship has already been established, to recommend Lanterman-Petris-Short (LPS) Act conservatorship to a county conservatorship officer and, thereby, compel that officer to submit a report to the Probate Court. Therefore, unless otherwise directed by the Board, consistent with existing policies to oppose any abridgement of the Board of Supervisors' powers and to oppose new unfunded mandates, unless they promote a higher priority, **the Sacramento advocates will oppose AB 193.**
- **Pursuit of County Position to Support AB 824 (Gatto).** This measure would require the State Department of Forestry and Fire Protection to annually report on fire prevention activities that include coordination with the Federal government. Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals and funding which would increase fire prevention and fire safety, and which would enhance the capabilities of fire departments to provide fire and other public safety services, **the Sacramento advocates will support AB 824.**

"To Enrich Lives Through Effective And Caring Service"

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Pursuit of County Position on Legislation

AB 193 (Maienschein), which as amended on July 6, 2015, would authorize the Probate Court, if a conservatorship has already been established, to recommend Lanterman-Petris-Short (LPS) Act conservatorship to a county conservatorship officer and compel that officer to submit a report to the Probate Court.

The LPS Act of 1967 was enacted to provide prompt, individualized evaluation and treatment of gravely disabled persons, who as a result of a mental health disorder or chronic alcoholism, are unable to provide for their basic personal needs for food, clothing or shelter. The LPS Act was intended to balance the goals of maintaining the constitutional right to personal liberty and choice in mental health treatment with the goal of safety when an individual may be a danger to oneself or others.

Under the LPS Act, peace officers, county-designated evaluation facilities, and designated personnel are authorized to take an individual into custody and to place him or her into a facility for 72 hours for evaluation and treatment, without court intervention, if in their professional opinion, that person is of danger to himself/herself or to others. If specified criteria are met, the initial 72-hour hold may be extended up to 30 days.

In addition, the mental health professional in charge of the evaluation may recommend an LPS conservatorship for some gravely disabled persons. This is the only legal mechanism by which psychotropic medications may be administered against an individual's will for the treatment of mental illness. Referrals for an LPS conservatorship must be made by a court-qualified psychiatrist or psychologist directly to the county conservatorship investigator who is responsible for investigating all available alternatives and making a recommendation for or against conservatorship to the Superior Court. AB 193 would establish a new mechanism to initiate an LPS conservatorship by authorizing a Probate Court judge to recommend conservatorship to the county conservatorship officer and, thereby, compel that officer to submit a report with recommendations to the Court.

The Department of Mental Health (DMH) notes that the LPS Act clearly defines the determination of grave disability for an LPS conservatorship as a county responsibility. The DMH Office of the Public Guardian conducts conservatorship investigations on behalf of the County. According to DMH, AB 193 would allow family members and facility operators to file a petition for LPS conservatorship directly with the Probate Court, thus circumventing the current LPS requirement to obtain a mental health evaluation by a court-qualified psychiatrist or psychologist trained to determine a person's grave disability.

The Department of Mental Health further indicates that AB 193 would result in additional County costs. The County Office of the Public Guardian estimates that, annually, up to 1,200 additional persons could be referred by the Probate Court for an LPS conservatorship investigation. This would result in an estimated annual County cost of approximately \$1 million. DMH also reports that AB 193 could result in a recommendation for the placement of approximately 600 additional County residents in Institutes for Mental Disease (IMDs) or step-down treatment facilities at an estimated County cost of approximately \$8 million annually. However, IMDs are significantly unfunded and lack sufficient beds to accommodate these additional placements.

This office and the Department of Mental Health oppose AB 193. Therefore, unless otherwise directed by the Board, consistent with existing policies to oppose any abridgement of the Board of Supervisors' powers and to oppose new unfunded mandates, unless they promote a higher priority, **the Sacramento advocates will oppose AB 193.**

AB 193 is sponsored by the Conference of California Bar Associations and supported by the American Association of Retired Persons. This measure is opposed by the: California State Association of Counties; California State Association of Public Administrators, Public Guardians, and Public Conservators; Monterey County Board of Supervisors; San Joaquin County; Ventura County Board of Supervisors; California Behavioral Health Directors Association; and Urban Counties Caucus.

AB 193 is scheduled to be heard by the Senate Appropriations Committee on August 17, 2015.

AB 824 (Gatto), which as amended on July 16, 2015, would require the State Department of Forestry and Fire Protection to annually report on fire prevention activities that include coordination with the Federal government.

Current law requires the State Board of Forestry and Fire Protection to classify all lands within the State to determine the areas of State financial responsibility for the prevention and suppression of fires. The State Department of Forestry and Fire Protection is required to provide an annual report to the Legislature detailing the department's fire prevention activities, including: fire prevention education; hazardous fuel reduction and vegetation management; civil cost recovery; forest and fire law enforcement; and fire prevention engineering.

AB 824 would require the State Department of Forestry and Fire Protection to include in the annual fire prevention report activities that reflect the coordination and cooperation with the Federal government in the following areas:

- Estimates of State and Federal costs to fund fire prevention activities of Fire Safe Councils, local community emergency response teams, and similar organizations that cooperate with State and Federal authorities to reduce the risk of wildfires;
- Estimates of the funding needs for forest fuel management programs to reduce urgent fire risks near communities that are at a high risk of wildfire; and
- Use of coordinated policies that promote defensible space adjacent to communities where multiple jurisdictions engage in fire suppression activities.

The Fire Department reports that AB 824 would help to direct State efforts to address fire prevention, which when carried out effectively, can save lives and property. The Department also indicates that due to the ongoing drought and the related dieback of native trees and shrubs, and the increasing number of homes built in areas located in wild land areas, the County faces an increased threat of fires and a greater need for fire prevention projects. The Fire Department notes that the reporting requirements in AB 824 would help the State assess, on an annual basis, the level of funding needed to support fire prevention projects.

This office and the Fire Department support AB 824. Therefore, unless otherwise directed by the Board, consistent with existing policy to support proposals and funding which would increase fire prevention and fire safety, and which would enhance the capabilities of fire departments to provide fire and other public safety services, **the Sacramento advocates will support AB 824.**

AB 824 is scheduled to be heard by the Senate Appropriations Committee on August 17, 2015.

AB 824 is supported by the Center for Biological Diversity, Crescenta Valley Fire Safe Council, and Sierra Club California. Currently, there is no opposition on file.

We will continue to keep you advised.

SAH:JJ:MR
VE:PC:ma

c: All Department Heads
Legislative Strategist